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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,229	09/12/2003	Joseph R. Hedrick	0112300-612	6841
29159	7590	09/30/2005	EXAMINER	
BELL, BOYD & LLOYD LLC			SAGER, MARK ALAN	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	

3714

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/661,229	HEDRICK ET AL.	
	Examiner	Art Unit	
	M. A. Sager	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004 and 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final. ✓
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-23, 28 and 52-58 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-13, 24-51, 59-85 and 87 is/are rejected.
- 7) ☒ Claim(s) 8, 9 and 86 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/7/04, 6/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 17 is objected to because of the following informalities: spelling of 'on' for – one— at line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 10-13, 24, 38-51, 59-69, 71, 82-85 and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by Takemoto et al (5683082). Takemoto discloses a gaming device, data card, data storage device and method comprising all claimed features/steps including a housing (fig. 3), a game operable upon a wager (4:30-35, 7:49-8:59), a read-write device (ref. 29), a card transporter (8:8-39, 12:1-20), a processor (ref. 14) and a memory device (ref 6, 12) where the game memory includes a disk that is magnetic, optical, CD-ROM or tape (4:36-41).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 25-37, 70, 72-81 are rejected under 35 U.S.C. 102(b) as anticipated by Takemoto et al or, in the alternative, under 35 U.S.C. 103(a) as obvious over Takemoto in view of Sarbin (5179517). Takemoto discloses a game apparatus using a card as claimed including a magnetic card or a erasable/recyclable card such as by a thermosensitive recording member (supra) including having a card memory and a processor. Takemoto's magnetic card includes a card memory and a processor as is so well known as is commonplace, for example in smart cards, for providing processing and a card memory capability on the card so as to relieve some of the processing and storage duties from a game device or system since some of the storing and processing is done by/on the card. Alternatively, if Takemoto's card lacks having a card memory and a processor, magnetic cards having a card memory and a processor are well known as taught by Sarbin. Thus, it would have been obvious to a routineer in the art at a time prior to the invention to add card memory and processor as taught by Sarbin to Takemoto's card in game apparatus so as to distribute manage smart cards as well due to their popularity of use and so as to permit some processing duties to be performed by the card so as to lessen processing duties on gaming machine as inherent to smart cards. Further, regarding claim 70, 72, the claim language fails to preclude a magnetic card having a memory member (and processor) and a [separate] card utilizing a thermosensitive recording member.

Allowable Subject Matter

6. Claims 14-23 and 52-58 are allowed.

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7. Claims 8-9 and 86 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest the special technical feature of storing or retaining the data card after a particular event, as particularly claimed. It is noted that prior art devices teach storing or retaining receipts such as ticket or coupon and teach read/write receipts such as tickets, coupons or magnetic media. However, the storing or retaining of paper receipts is for accounting not for re-use (although not claimed). There is no teaching or suggestion for retaining or storing magnetic or recyclable media, such as for re-use although not claimed, within art of record at least since retaining or storing magnetic or recyclable media/receipts for accounting (such as is done for paper receipt) is not necessary and does not make sense since there is no need for such accounting since the data for magnetic or recyclable receipts is electronic and is stored on the receipt and generally also in the system memory, thus the magnetic or recyclable media is conventionally returned to user.

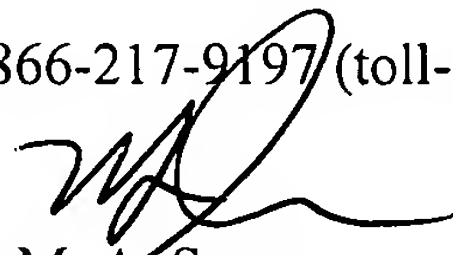
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Chanda Harris can be reached on 571-272-4448. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. A. Sager
Primary Examiner
Art Unit 3714

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